

**3239. Adulteration of tomato conserve. U. S. v. 285 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5488. S. No. 2051.)

On December 16, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 285 cases of tomato conserve, remaining unsold in the original unbroken packages and in possession of the Nasiacos Importing Co., Chicago, Ill., alleging that the product had been shipped by C. D. Stone & Co., New York, N. Y., on September 23, 1913, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy, decomposed, and putrid vegetable substance. Adulteration was also alleged in the libel for the reason that the product consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

**3240. Adulteration and misbranding of catsup. U. S. v. 10 Barrels of Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5493. S. No. 2000.)

On December 19, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels, more or less, of catsup, remaining unsold by the consignee in the original unbroken packages at New Orleans, La., alleging that the product had been shipped on or about September 15, 1913, by the American Pickle & Canning Co., Wiggins, Miss., and transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no label.

It was alleged in the libel that an examination of the contents of the barrels by the Bureau of Chemistry of the Department of Agriculture showed the presence of mold filaments with yeasts and spores and an excessive number of bacteria, and that the same was partly decomposed and consisted of a decomposed vegetable substance, and that the same was adulterated within the meaning and intent of the act of Congress of June 30, 1906, known as the Food and Drugs Act. It was further alleged in the libel that the aforesaid examination of the contents of the barrels of catsup showed the presence therein of benzoate of soda, although that fact was not declared by labels or otherwise upon the barrels containing the catsup, and that this was in violation of the food inspection decisions, which only permit the use of benzoate of soda provided the containers of same are properly labeled to that effect, and that therefore said 10 barrels of catsup were also misbranded within the meaning and intent of section 8, paragraph 2, of said Food and Drugs Act.

On February 7, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.